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|---|---------------|----------------------|----------------------|------------------|
| APPLICATION NO.   | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
| 10/538,712  | 06/10/2005    | Makoto Funabiki      | MAT-8705US           | 6789             |
| 23122   | 7590          | 09/18/2008           | EXAMINER             |                  |
| RATNERPRESTIA<br>P O BOX 980<br>VALLEY FORGE, PA 19482-0980 |               |                      | NGUYEN, MINH TRANG T |                  |
| ART UNIT  | PAPER NUMBER  |                      |                      |                  |
|   |               | 2619                 |                      |                  |
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| 09/18/2008  | PAPER         |                      |                      |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |
|------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/538,712 | <b>Applicant(s)</b><br>FUNABIKI ET AL. |
|                              | <b>Examiner</b><br>Minh-Trang Nguyen | <b>Art Unit</b><br>2619                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 June 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/S/65/06)  
Paper No(s)/Mail Date \_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-15** are rejected under 35 U.S.C. 102(b) as being anticipated by Ono et al (US 2003/0026241 A1).

Regarding **claim 1**, Ono et al disclose a router device (see **Fig. 19**, e.g., **end node EN2**) comprising:

a connection processing section (see **Fig. 5, item 31, paragraph [0269]**) for performing a connection process with a base station (see **Fig. 19, paragraph [0388]**, e.g., **Temporary home agent, THA 21b**) in an external network;

a lower-layer information acquisition section (see **Fig. 5, item 32, paragraph [0269], [0465]**) for acquiring connection information with the base station, from the connection processing section; and

a route judgment section for judging (see **Fig. 2, item 50**, e.g., **the control message processing**) when receiving a packet destined for a communication device in an external network from a radio terminal device in a same local network (see **Fig. 19, and paragraph**

**[0388], e.g., packet destined for home address is received by EN 1) the base station (see Fig. 19, and paragraph [0388], e.g., base station VHA 10) as a transfer destination regardless of information stored in a routing table in a case of the connection information acquired from the lower-layer information acquisition section indicative of a connection with the base station (see Fig. 19, paragraph [0388-0392]), and judging a transfer destination by looking up the routing table in a case of the connection information being indicative of a non-connection with the base station (see Fig. 20, paragraph [0396]).**

Regarding **claim 2**, Ono et al disclose the mentioned limitations with respect to claim 1, and further disclose a router device includes :

a buffer for storing received data (see Fig. 43, e.g., **Binding cache table 44A**) and a connection instructing section (see Fig. 43, e.g., **Binding cache search 43A**) for instructing the connection processing section to have a connection with the base station, wherein the lower-layer information acquisition section further acquires connection information of whether or not it is connectable with the base station of the external network (see Fig. 20, paragraph [0396]), and when the route judgment section (see Fig. 2, item 50, e.g., **the control message processing**) receives a packet destined for a communication device of the external network from a radio terminal device in the same local network (see Fig. 21, and paragraph [0388], e.g., **packet destined for home address is received by EN 1**), in a case of the connection information of from the lower-layer information acquisition section is indicative of being not connected with but connectable with the base station , (see Fig. 19, paragraph [0388-0392]), the received packet is held in the buffer, and the received data in the buffer is transferred to the base station after the connection instructing section instructed the connection processing section to

have a connection with the base station and the connection processing section completes the connection with the base station (see **Fig. 19, paragraph [0396]**).

Regarding **claim 3**, Ono et al disclose a router device comprising:

a mobile IP processing section for registering a position to a home agent device set up on the Internet (see **Fig. 5, item 32, paragraph [0269], [0465]**), and

a route judgment section for judging (see **Fig. 2, item 50, e.g., the control message processing**), when receiving a packet destined for a communication device in an external network from a radio terminal device in a same local network, the home agent apparatus as a transfer destination regardless of information stored in a routing table in a case of an entry for the home agent device being within a binding update list of the mobile IP processing section network (see **Fig. 19, paragraph [0388-0392]**), and judging a transfer destination by looking up a routing table in a case of no entry for the home agent device being within the binding update list (see **Fig. 20, paragraph [0396]**).

Regarding **claim 4**, Ono et al disclose the mentioned limitations with respect to claim 1, and further disclose that the route judgment section, in a case of a next hop router is given as another router device in the same local network when looking up a routing table, inquires of a radio terminal device, as a source of the received packet, whether to transfer the received packet to the next hop router (see **paragraph [0499]**).

Regarding **claim 5**, Ono et al disclose the mentioned limitations with respect to claim 4, and further disclose that the route judgment section transfers the received packet to the next hop router in a case of a response for permission from the radio terminal device and discards the received packet in a case of a response for non-permission (see **paragraph [0360-0372]**).

Regarding **claim 6**, see similar rejection with respect to claim 1, and Ono et al further disclose a communication method on a local network (see **paragraph [0035]**) having a plurality of radio terminal devices (see **Fig. 42**, e.g., **MN 3'**) and a plurality of router devices (see **Fig. 42**, e.g., **R 13'**) for communication with a communication device existing on the Internet.

Regarding **claim 7**, see similar rejection with respect to claim 1.

Regarding **claim 8**, see similar rejection with respect to claim 1.

Regarding **claim 9**, see similar rejection with respect to claim 6, and Ono et al further disclose that the router device, when receiving a packet from a radio terminal device in a same local network in a case of an entry for a home agent device being in a binding update list (see **Fig. 19, paragraph [0388-0389]**, e.g., received packet is transferred toward VHA 10), transferring the packet received to the communication device via the home agent device through use of reverse tunneling based on mobile IP, regardless of a content of a routing table (see **Fig. 19, paragraph [0388-0389]**).

Regarding **claim 10**, see similar rejection with respect to claim 1.

Regarding **claim 11**, see similar rejection with respect to claim 2, and Ono et al further disclose that the route judgment section, in a case of a next hop router is given as another router device in the same local network when looking up a routing table, inquires of a radio terminal device, as a source of the received packet, whether to transfer the received packet to the next hop router (see **paragraph [0463]**).

Regarding **claim 12**, see similar rejection with respect to claim 11.

Regarding **claim 13**, see similar rejection with respect to claim 5.

Regarding **claim 14**, see similar rejection with respect to claim 5,

Regarding **claim 15**, see similar rejection with respect to claim 2, and Ono et al further disclose that when the router device is not connected with the base station, the connection instructing section checks whether the router is in a connectable status according to information indicative of signal reception intensity from the base station and a connection is established when the router is in the connectable status (**see paragraph [0174]**).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakatsugawa et al (US 2002/0186679 A1) disclose mobile node supporting router.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Trang Nguyen whose telephone number is (571)270-5248. The examiner can normally be reached on Monday to Friday 7:30AM to 5:00PM EST, first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag G. Shah can be reached on 571-272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Minh-Trang Nguyen/  
Examiner, Art Unit 2619

/M. N./  
Examiner, Art Unit 2619

/Chirag G Shah/

Supervisory Patent Examiner, Art Unit 2619